

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**FOUGERA PHARMACEUTICALS,
INC.,**

Plaintiff,

v.

GLYCOBIOSCIENCES, INC.,

Defendant.

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Civil Action No. 11-1539 (KSH)

ORDER ON INFORMAL APPLICATION

This matter having come before the Court by way of submission dated December 28, 2011, regarding a dispute concerning the defendant's obligation to provide a response to the plaintiff's noninfringement contentions as required by the Pretrial Scheduling Order, dated October 5, 2011, at 2, ¶ 3;

and the Court having considered the submission, the October 5, 2011 Order, and the governing law;

and for the reasons set forth in the Opinion delivered on the record on December 30, 2011;

and for good cause shown;

IT IS ON THIS 30th day of December, 2011

ORDERED that the defendant's objection to having to provide responses to the plaintiff's noninfringement contentions is overruled. To the extent a party asserts the adverse party infringes a patent and the adverse party has served non-infringement contentions, then the party who received non-infringement contentions shall provide responses to the non-infringement

contentions no later than **January 17, 2012**. If a complete response to the non-infringement contentions is embodied in the infringement contentions, then the party shall so state; and

IT IS FURTHER ORDERED that no action will be taken on the dispute concerning the confidentiality designation assigned to plaintiff's invalidity and noninfringement contentions.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE